

REMARKS

Claims 6, 8-10, 37, 40, 42, 43, 46-50, and 53-57 were pending in the instant application. In the Office Action mailed August 28, 2008 (hereinafter "Office Action"), claims 40, 42, 43, 46-50 and 53-55 are allowed, while claims 6, 8-10, 37, 56 and 57 are rejected.

Applicants have amended claims 6 and 56 for purposes of clarity. Support for the claim amendments is found in the specification at page 15, lines 10-31; page 43, line 20 to page 44, line 31; and Figures 2A and 2B.

No new matter has been added by the amendments. Entry of the foregoing amendments and consideration of the following remarks are respectfully requested.

THE REJECTION UNDER 35 U.S.C. § 112 OF CLAIMS 6, 8-10, 37, 56 AND 57 SHOULD BE WITHDRAWN

In the Office Action, claims 6, 8-10, 37, 56, and 57 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention (Office Action, page 3, second paragraph). Applicants respectfully disagree.

The Examiner contends that "[c]laim 6 is indefinite for reciting the phrase, 'said plurality of control probes that differ in the number of said monomers'" (Office Action, page 3, third paragraph). Specifically, the Examiner contends that:

Claim 6, step (a) has been amended to recite that the quality control probes now "optionally" further comprises a first sequence contiguous with the predetermined binding sequences.

Step (a) of claim 6 only recites that the probe comprises either the same predetermined binding sequences or different predetermined binding sequences having the same binding specificity. Neither limitations provide any antecedent basis for the quality control probes that differ in the number of the monomers.

Therefore, claim 6, step (b) which now implicitly requires the limitation preceded by the language, "optionally" renders the entire scope of the claim indefinite.

(Office Action, page 3, fourth to sixth paragraphs). The Examiner further contends that "[c]laims 8-10 and 37-39 are indefinite by way of their dependency on claim 6" (Office Action, page 3, seventh paragraph), and that claim 56 is indefinite "analogously" (Office Action, page 3, eighth paragraph).

Applicants respectfully point out that claims 6 and 56 have been amended to clarify that some of the quality control probes in the plurality of quality control probes comprise the

first sequence, thus providing antecedent basis for the quality control probes that differ in the number of the monomers.

The Examiner's rejection is thus obviated.

The Examiner further contends that claim 56 is indefinite in the duplicated recitation of "optionally." Applicants have amended claim 56 to delete both occurrences of the word "optionally." The Examiner's rejection is thus obviated.

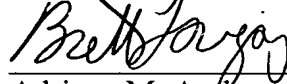
Accordingly, Applicants respectfully request that the rejection of claims 6, 8-10, 37, 56, and 57 under 35 U.S.C. § 112, second paragraph, be withdrawn.

CONCLUSION

Applicants respectfully request entry of the foregoing amendments and remarks into the file of the above-identified application. Applicants believe that all the pending claims are in condition for allowance. Withdrawal of the Examiner's rejections and allowance of the application are respectfully requested.

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Respectfully submitted,



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